

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARNELL BROWN,

Plaintiff,

v.

MARY'S GRILL,
MEDEI F. HODZIC,
MARY M. HODZIC, and
SKENDER S. HODZIC,

Defendants.

Case No. 2:17-cv-11197

District Judge Laurie J. Michelson

Magistrate Judge Anthony P. Patti

**ORDER GRANTING IN PART AND DENYING IN PART
MOTION TO STRIKE AFFIRMATIVE DEFENSES (DE 22)**

This case has been referred to me for all pretrial proceedings. On January 29, 2018, Defendants filed an answer and affirmative defenses. (DE 20.) Currently before the Court is Plaintiff's February 5, 2018 motion to strike Defendants' affirmative defenses (DE 22), regarding which Defendants have filed a response (DE 23) and Plaintiff has filed a reply (DE 24).¹

On March 13, 2018, Plaintiff, who is representing himself, and defense counsel (J. Christian Hauser) appeared in my courtroom for a status conference.

¹ As noted during today's conference, Plaintiff's motion (DE 22) does not comply with E.D. Mich. LR 5.1(a) ("Papers Presented for Filing.") or E.D. Mich. LR 7.1(a) ("Seeking Concurrence in Motions and Requests."). Future filings that do not comply with the local rules of this Court may be stricken from the record.

(See DE 17.) Consistent with my statements made on the record, Plaintiff's motion to strike (DE 22) is **GRANTED IN PART**. Specifically, the Court strikes Affirmative Defense No. 2, based on Plaintiff's representation that he seeks only damages and not equitable relief and Defendants' willingness to withdraw the affirmative defense in light of that representation. Additionally, on or before **April 19, 2018**, Defendants will either: (a) withdraw Affirmative Defense No. 9; or, (b) show cause in writing as to why it should not be stricken. Otherwise, Plaintiff's motion to strike is **DENIED**, the Court finding that there is a good faith basis for each remaining affirmative defense.

Dated: March 13, 2018

s/Anthony P. Patti
ANTHONY P. PATTI
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on March 13, 2018, electronically and/or by U.S. Mail.

s/Michael Williams
Case Manager for the
Honorable Anthony P. Patti